



CITY OF ELEPHANT BUTTE ZONING COMMISSION
NOTICE OF SPECIAL MEETING
Wednesday, April 10, 2024 - 10:00 am
103 Water Street, Elephant Butte, NM 87935

Minutes*

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chairman Morris called the meeting to order and Vice Chair Logan led the pledge of allegiance.

2. ROLL CALL/IDENTIFICATION OF VOTING MEMBERS

Chairman Lee Morris – Present
Vice-Chair Christine Logan – Present
Commissioner John Masce – Present
Alternate Commissioner Alberta Mortensen – Present as non-voting member

3. APPROVAL OF AGENDA - Declaration of conflict of interest

Vice Chair Logan approved the agenda as submitted. Commissioner Masce seconded the motion.

3-0.

4. PUBLIC COMMENT

*The Open Meetings Act is in effect and there is a 3-minute limit per speaker on all non-agenda items.

None submitted.

5. CONSENT ITEMS

- a. Approval of Regular Meeting Minutes from February 6, 2024

Vice Chair Logan made a motion to approve the meeting minutes with two amendments. Commissioner Masce seconded the motion. 3-0.

6. PUBLIC HEARING

- a. Variance/Encroachment Request – 310 Rock Canyon Road

Chairman Morris requested a roll call to enter into the public hearing.

City Clerk Cobleigh conducted a roll call.

Chairman Lee Morris – Present
Vice Chair Christine Logan – Present
Commissioner John Masce – Present

Chairman Morris introduced the hearing for 310 Rock Canyon Road as case number 24-048. Edna Trager is requesting a variance on her property. Chairman Morris stated that City Staff will present the matter and then Edna Trager would have a chance to add any additional evidence needed.

Chairman Morris addressed the Commission in asking if they had received any ex parte communications of case number 24-048.

Chairman Lee Morris – No
Vice Chair Christine Logan – No
Commissioner John Masce – No

Chairman Morris addressed the Commission in asking if they had any interest in the matter of case number 24-048.

Chairman Lee Morris – No
Vice Chair Christine Logan – No
Commissioner John Masce – No

Lindsey Cobleigh, Land Use Administrator presented this case to the commission.

Public Hearing Case # 24-048

Applicant: Edna Trager

Physical: 310 Rock Canyon Road

Legal: Elephant Butte Estates Unit 5 Block 4 Lot 13

Zoned: C-2

Code Reference for Public Hearing: 155.033 (F) 24: Single-family Residential unit – Minimum of 1,000sf of heated area.

DOCUMENTS PROVIDED IN PUBLIC HEARING PACKET:

1. Application for Public Hearing Packet

LAND USE ADMINISTRATOR'S NARRATIVE OVERVIEW OF PROPERTY:

1. Applicant is applying for a variance to allow for an RV to be permitted as a dwelling on a commercial property.
2. The applicant is applying for this approval as a temporary approval, Summer 2024.
3. Applicant has stated there will be no profit from this RV on the property.
4. This property has not previously been permitted for an RV Park to allow for an RV as a dwelling.
5. Applicant does not plan on connecting to the City Wastewater System, only water and electricity.

LAND USE ADMINISTRATOR RECOMMENDATION

The Land Use Administrator has received numerous calls with concerns regarding this variance request. The Land Use Administrator does not recommend the approval of the allowance of an RV as a dwelling within the commercial zoning district of the incorporated city limits of Elephant Butte. The City of Elephant Butte has numerous RV Parks and camping locations to accommodate the needs of temporary residents needing a place to park their RV for the summer.

No questions from the commission.

Russell Trager, 310 Rock Canyon made a statement that they are seeking a variance for the placement of an RV on the property for the summer of 2024, from June – September approximately 90 days. Trager stated that his nephew is wanting to stay in this RV over the summer with his girlfriend to be able to show her the lake experience. Trager stated that the RV will only be connected to water and electricity not wastewater and they would use Talon Septic for the removal of the wastewater. Trager stated that his nephew's father is Doyle Nelson who installed the welcome signs for the City of Elephant Butte. Trager stated that his nephew does not work for the commercial business at 310 Rock Canyon, Zia Kayak, but on occasion assists with the assembly of kayak trailers.

No questions from the commission.

Chairman Morris closed the public hearing and read the variance code and requirements from the

Official City of Elephant Butte Code book. Chairman Morris requested a motion on this hearing. Chairman Morris stated that any motion made shall include that staff prepare the written findings of fact and conclusions of law and the Chairman be authorized to sign them as the written decision in this case.

Vice Chair Logan made a motion to deny case number 24-048 Edna Trager 310 Rock Canyon Road and that staff prepare the written findings of fact and conclusions of law and the Chairman be authorized to sign them as the written decision in this case. Commissioner Masce seconded the motion. 3-0.

City Clerk Cobleigh conducted a roll call.

Chairman Lee Morris – Yes

Vice Chair Christine Logan – Yes

Commissioner John Masce – Yes

Motion Carried.

Case number 24-048 was denied as not being a consistent use with the adopted Commercial C-2 code.

Edna Trager stated that it should have been told to her that it was going to be a waste of time to apply for this variance. Chairman Morris assured Edna Trager that it was in no way a waste of the boards time, that this is the reason that they are here as board. Edna Trager stated that it was a waste of her time.

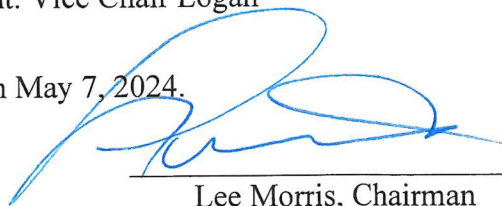
7. COMMISSIONER COMMENTS & REPORTS

An open discussion between the board members and staff regarding the topic for the next meeting. It was decided to begin working on code and ordinance review at the May meeting and to start with the commercial code.

8. ADJOURNMENT

Chairman Morris requested a motion for adjournment. Vice Chair Logan

Minutes approved and adopted at the Zoning meeting on May 7, 2024.



Lee Morris, Chairman

ATTEST:



Lindsey Cobleigh, City Clerk

